

## **REMARKS**

Applicants' last response put certain arguments to the Examiner which have apparently not been considered. The Examiner's summary and rebuttal of the response filed on February 20, 2007 stated that the Applicant "mainly argued" on three grounds. This is, with respect, a surprising summary of a response which clearly listed five (not three) separate grounds for considering the alleged obviousness rejection to be erroneous.

Before dealing with those grounds which the Examiner did address, applicants wish to (a) draw attention to the incomplete consideration of the last response, (b) note in the record that applicants disagree with the final office action's rebuttal as not being based on and directed against a true summary of Applicant's arguments, and (c) once again rely on those arguments which were ignored, namely those headed "2) Servers are not human operators" and "5) Brothers does not teach human control of the operations of a server as alleged". The content of each of these arguments is incorporated in this response by reference, and it is submitted that unless addressed convincingly by the Examiner, each of these arguments provides in itself a perfectly good reason for patentability which has been ignored and which will be relied on under appeal.

Reconsideration of the finality of the office action is therefore requested, and it is further requested that the Examiner reconsider the rejection in view of the merits of the arguments put forward in applicants' last response under the headings "2) Servers are not human operators" and "5) Brothers does not teach human control of the operations of a server as alleged". For the avoidance of doubt, those arguments are repeated below, as well as remarks specifically addressing the Examiner's rebuttal under the other headings.

### **Claim rejections 35 USC § 103**

#### ***1) No teaching of a contact center in Christensen et al.***

The Examiner's rebuttal states that the rejection is based on the limitations recited in the claims, and that in claim 1 a "contact center" is defined as being one which comprises a contact routing mechanism for receiving and routing contacts.

From this it would appear that the Examiner attaches no patentable weight to the term “contact center” other than that it encompasses any system having the recited contact routing mechanism – on this basis the feature is alleged to be found in Christensen.

Stepping back from the detail for one moment, it is submitted that this method of interpreting the claim clauses is incorrect. Consider a hypothetical claim reciting inter alia “...an automobile having a seat ...”. If the term automobile is to be interpreted in terms only of the claim limitations, then it can be anticipated by any system or apparatus having a seat – such as things which plainly are not automobiles, like bicycles, speedboats, and even furnished office buildings. This approach is wrong and stems from the fact that one is ignoring an essential claim term, i.e. the automobile itself, which is a clear term of art. It is not required that every feature of the automobile be recited in the claim to avoid anticipation by e.g. a bicycle, as long as automobile is a proper term of description.

Likewise, one cannot simply deem “contact center” – another clearly understood term of art – to encompass just any system having a contact routing mechanism, even something like the Christensen system which is clearly not a contact center despite having a mechanism for routing contacts of a sort. This interpretation is no less incorrect (though admittedly less extreme) than interpreting “an automobile having a seat” to be anticipated by a bicycle or indeed an office building equipped with seats.

Additionally, if one is going to interpret contact center in terms only of the limitations defined in the claims, then one must presumably look at all such limitations which are being taken to define the “contact center” and not be selective. Claim 1 specified that the contact center is one which includes “a plurality of human operators to which said incoming contacts can be routed by said routing mechanism to enable said human operators to respond to said contacts”. If this is part of the definition of the term “contact center” (as it must be if the Examiner’s approach is correct), and if it is lacking from Christensen (as the Examiner has admitted), then Christensen cannot logically disclose a contact center.

## *2) Servers are not human operators*

This is repeated verbatim from earlier response.

The Examiner argues that (i) "servers being monitored, controlled and operated by human operators are well-known in the art". It is then hypothesised that (ii) it would have been obvious for each of the servers 154 of Christensen to be monitored, controlled and operated by a human operator who would monitor, control and operate the server's operations via an input and output device. Then, the Examiner suggests that (iii) "it can be said here that Christensen et al in view of Brothers teaches human operators of the plurality of servers (154) being a plurality of human operators, as claimed."

If this logic is understood correctly, it is being argued that a human operator of a contact center is the same as a person operating the operations of a server manually using an input device and an output device. Even if the logic of the Examiner's argument could be followed, the conclusion is invalid: a human who controls the operation of a server of a radio station's purchasing system is quite simply not a contact center agent or operator within the normal meaning of the term "human operator of a contact center".

### *3) No proper motivation to combine*

The Examiner states, regarding the motivation to combine, that Christensen fails to teach how to fully implement its servers 154, and so the skilled person would be directed to Brothers, from which a suggestion would be obtained of using human control to cause the servers to fulfil each download request.

However, servers 154 are simply stated to be download servers and there is no justification for supposing that the skilled person would have had the slightest difficulty in implementing such a server. Such servers, and the software running on them are common items of commerce and the skilled person would not have the difficulty imagined and suggested by the Examiner.

Even if the skilled person needed to find an implementation of a download server, supposedly lacking from Christensen, he would have looked for an automated download server, not for a server which requires human intervention as suggested by the Examiner.

*4) Brothers of no relevance to the field of the invention*

The Examiner states that the Brothers reference is considered “pertinent to service provider systems and utilizations of human operator(s) in providing requested services to users”. Applicants do not entirely understand this, but it seems to suggest that Brothers is concerned with human operators providing agent-like services to users of a system. Brothers does not suggest any such thing.

Brothers (in so far as human operators are mentioned at all) says that a server has a GUI allowing an operator of the web server to perform administrative tasks such as updating software, web pages and documents on a server. The operator of the web server is not disclosed or suggested as having any interaction with users of the system, and so the argument that Brothers is concerned with human operators providing services to users of a system, analogous to contact center agents, does not stand up to any scrutiny.

*5) Brothers does not teach human control of the operations of a server as alleged.*

This is repeated verbatim from earlier response.

Even if one accepts that the skilled person would turn to Brothers (which is not accepted), it does not contain the teaching which the Examiner alleges. The Examiner alleges that the human control of a server (as taught by Brothers) makes that server act almost as a human operator.

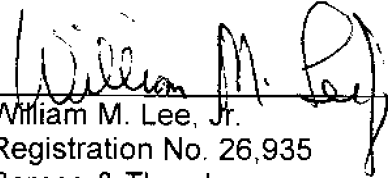
Brothers in fact states only that in distributed environments, it may be necessary to allow a server operator to have control of certain elements of the server: “administrative tasks such as loading or updating the operating system and various program modules, web page document(s), data and resource(s) stored in the memory 44 and the data storage unit 26.”

Applicants fail entirely to understand how this statement could lead the skilled person to implement Christensen’s server as a human operator who controls the operations of a download server in such a way that the operator becomes the same as a contact center’s human operator or agent.

In view of the arguments made herein, the applicants respectfully request the examiner withdraw the rejections, and allow the application.

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Respectfully submitted,



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